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| APPLICATION NO.                                      | FILING DATE     | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |  |
|--|-----------------|----------------------|---------------------|------------------|--|
| 10/619,181   | 07/15/2003      | Kouji Takahashi      | Q76587              | 4972             |  |
| 200.0  | 7590 09/24/2007 | EXAMINER             |                     |                  |  |
| SUGHRUE MION, PLLC<br>2100 PENNSYLVANIA AVENUE, N.W. |                 |                      | LAZORCIK, JASON L   |                  |  |
| SUITE 800<br>WASHINGTON, DC 20037                    |                 |                      | ART UNIT .          | PAPER NUMBER     |  |
| WASHINGTO  | DC 20031        |                      | 1731                |                  |  |
|  |                 |                      | ,                   |                  |  |
|  | •               |                      | MAIL DATE           | DELIVERY MODE    |  |
|  |                 |                      | 09/24/2007          | PAPER            |  |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

| Application No.   | Applicant(s)     |  |  |
|-------------------|------------------|--|--|
| 10/619,181        | TAKAHASHI ET AL. |  |  |
| Examiner          | Art Unit         |  |  |
| Jason L. Lazorcik | 1731             |  |  |

|   |  | Jason E. Eazoroik  | '''  |                      |
|---|--|--|--|----------------------|
|   | The MAILING DATE of this communication appe  | ears on the cover sheet with the   | correspondence address   |                      |
| THE RE                                      | EPLY FILED <u>06 September 2007</u> FAILS TO PLACE THI   | IS APPLICATION IN CONDITION I  | FOR ALLOWANCE.   |                      |
| 1. ⊠ TI<br>th<br>pl<br>a<br>tii             | ne reply was filed after a final rejection, but prior to or or or is application, applicant must timely file one of the followaces the application in condition for allowance; (2) a No Request for Continued Examination (RCE) in compliant the periods:  | n the same day as filing a Notice of<br>wing replies: (1) an amendment, af<br>otice of Appeal (with appeal fee) in<br>ce with 37 CFR 1.114. The reply m  | Appeal. To avoid abandonmer fidavit, or other evidence, which compliance with 37 CFR 41.31 | n<br>; or (3)        |
| a) 🗵  | The period for reply expires 6 months from the mailing date  | e of the final rejection.  |  |                      |
| b) [  | The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire I  | Advisory Action, or (2) the date set forthater than SIX MONTHS from the mailing  | ng date of the final rejection.  |                      |
|   | Examiner Note: If box 1 is checked, check either box (a) or TWO MONTHS OF THE FINAL REJECTION. See MPEP 7  | '06.07(f).   |  |                      |
| nave be<br>under 33<br>set forth<br>may red | ons of time may be obtained under 37 CFR 1.136(a). The date en filed is the date for purposes of determining the period of expose of the control of the cont | tension and the corresponding amount<br>shortened statutory period for reply oright<br>r than three months after the mailing do  | t of the fee. The appropriate extens<br>ginally set in the final Office action;            | ion fee<br>or (2) as |
| 2. 🛛 T<br>o<br>S                            | he Notice of Appeal was filed on <u>9/7/2007</u> . A brief in co<br>f filing the Notice of Appeal (37 CFR 41.37(a)), or any e<br>ince a Notice of Appeal has been filed, any reply must b  | xtension thereof (37 CFR 41.37(e)  | ), to avoid dismissal of the appe  | e date<br>eal.       |
|   | <u>OMENTS</u>  | the state of filling a beginning   | Could not be entered become  |                      |
| (a  | The proposed amendment(s) filed after a final rejection,  a) They raise new issues that would require further continue to the insurant formula to the  | onsideration and/or search (see NC   | r, will <u>not</u> be entered because<br>OTE below);                                       |                      |
| ()<br>()                                    | They raise the issue of new matter (see NOTE below) $\boxtimes$ They are not deemed to place the application in be   | etter form for appeal by materially re   | educing or simplifying the issue   | s for                |
| ,   | appeal; and/or   | corresponding number of finally re   | iected claims  |                      |
| (0  | They present additional claims without canceling a   |  | geoled claims.   |                      |
| . —   | NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1.   | i 10 and 41.33(a)).  | ompliant Amendment (PTOL-33  | 241                  |
|   | The amendments are not in compliance with 37 CFR 1.1   |  | ompliant Amendment (F10L-32  | <del>-4</del>        |
| 5. 📙 🕯                                      | Applicant's reply has overcome the following rejection(s   | ):   | timely filed amondment cance   | ling the             |
| n   | Newly proposed or amended claim(s) would be a on-allowable claim(s).   |  |  |                      |
| h   | For purposes of appeal, the proposed amendment(s): a) ow the new or amended claims would be rejected is prohe status of the claim(s) is (or will be) as follows:   | ⊠ will not be entered, or b) □ worlded below or appended.  | vill be entered and an explanation   | on or                |
|   | claim(s) allowed:  |  |  |                      |
|   | Claim(s) objected to:  |  |  |                      |
| C   | Claim(s) rejected: <u>7-9,12-17, and 20-23.</u> Claim(s) withdrawn from consideration:   |  |  |                      |
|   | AVIT OR OTHER EVIDENCE   |  |  |                      |
| 8. 🔲 T<br>b                                 | the affidavit or other evidence filed after a final action, be ecause applicant failed to provide a showing of good argon argon argon to the presented. See 37 CFR 1.116(e).   | ut before or on the date of filing a North new the affidation of t | Notice of Appeal will <u>not</u> be entervit or other evidence is necessary                | ered<br>ary and      |
| 9. 🔲 T<br>e                                 | he affidavit or other evidence filed after the date of filing<br>ntered because the affidavit or other evidence failed to<br>howing a good and sufficient reasons why it is necessa  | overcome all rejections under appo   | eal and/or appellant fails to prov   | e<br>⁄ide a          |
| 10. 🔲                                       | The affidavit or other evidence is entered. An explanation of the second | on of the status of the claims after   | entry is below or attached.  |                      |
| 11. 🛛                                       | The request for reconsideration has been considered b<br>See Continuation Sheet.   | ut does NOT place the application  | in condition for allowance beca  | use:                 |
| 12. 🖂                                       | Note the attached Information Disclosure Statement(s).   | (PTO/SB/08) Paper No(s)  | - 21   |                      |
|   | Other:   |  | Gin I  |                      |
|   |  |  | ERIC HUG<br>PRIMARY EXAMINE  | ER                   |
|   |  |  |  |                      |

Continuation of 3. NOTE: Applicants amendments to claim 7 provide for a new step of "rough polishing a main surface" prior to the step of "eliciting a defect" on the main surface of the glass. Applicants previously presented claim 12 required a step for "roughly polishing a surface of the glass substrate" prior to a step of etching to "elicit a crack". While the Examiner has previously considered a step of rough polishing followed by a step of eliciting a crack", the case for roughly polishing prior to the broader step of "eliciting a defect" has not been previously considered. For at least this reason, Applicants amendments will require further search and/or consideration.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant first traverses the rejection of claim 23 under 35 USC 112, first paragraph by arguing that the specification as originally filed adequately supports the limitation of "an isotropical etching step". In support of this argument, Applicant points to the specification pages 19 and 27. The Examiner agrees with Applicants position, and the rejection of Claim 23 under 35 USC 112, first paragraph is retracted

Applicant next argues the rejection of claims 21 and 22 under 35 USC 112, second paragraph. Applicant asserts that the specification provides adequate clarity and definiteness such that one of ordinary skill in the art would be able to ascertain the metes and bounds of the limitation of a "flatness required for a selected one of ArF excimer laser, F2 excimer laser, and EUV". The Examiner strongly disagrees. It is the Examiners understanding that the requisite "flatness" would be expected differ between intended applications and further to vary in time with technical advances in the art. Specifically, an acceptable or "required" flatness for a current application may be quite apart from the required flatness in an application in 5, 10, or 15 years from now. The Examiners assessment therefore remains as previously presented, namely that Applicant has failed to adequately define the intended metes and bounds embodied by the limitation of a "flatness required for a selected one of ..." and that the instant limitation is thereby rendered both unclear and indefinite.

With respect to the art rejection of claims under 35 U.S.C. 102(b), Applicant argues that Walker (US 2,372,536) teaches a step of eliciting a defect by etching is performed "after a grinding step and before a rough polishing step" while applicants claimed invention requires said etching step "after the rough polishing step and before the precise polishing step". Examiner strongly disagrees. As previously presented, Walker teaches a process of 1) rough grinding or "rough polishing" a substrate, 2) etching to elicit scratches, cracks, and mars, and 3) subjecting the substrate to a "fine polishing action" or precise polishing. Applicant appears to argue a distinction between the prior art grinding steps and the claimed polishing steps, however presents no evidence or convincing arguments to support the allegations. It is the Examiners position that Applicant arguments represent the mere allegation of patentability however they fail to patentably distinguish the claimed invention over the prior art process presented by Walker.

Applicant argues with respect to the rejections of claims 9, 14,15, 17, and 22 that "there is no teaching for changing the steps". It appears that Applicant here continues the above argument regarding the difference between polishing and grinding. Therefore in response, Examiner points to the above response.